



Dep & Ref

Docket No. 0720-4058

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Carl H. Meyerhoefer et al.

Group Art Unit: 2747

Serial No.: 08/993,271

Examiner: Clark S. Cheney

Filed: December 18, 1997

For: NETWORK INTERFACE DEVICE FOR HIGH SPEED DATA LINES

CERTIFICATE OF MAILING (37 C.F.R. §1.8(a))

COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir:

I hereby certify that the attached:

Renewed Petition Requesting Withdrawal Of The Holding Of Abandonment (MPEP
711.03(c) II) And Request For Refund Of Petition Under 37 CFR 1.26(a)

Return receipt post card

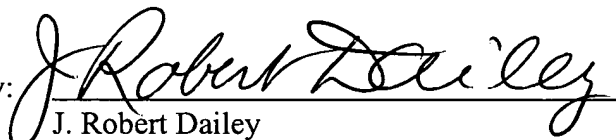
along with any paper(s) referred to as being attached or enclosed and this Certificate of Mailing
are being deposited with the United States Postal Service on date shown below with sufficient
postage as first-class mail in an envelope addressed to the: Commissioner for Patents,
Washington, D.C., 20231.

OFFICE OF FINANCE
REFUND PETITION
37 CFR - MAILING
US PATENT & TRADEMARK
OFFICE

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: February 20, 2001

By:



J. Robert Dailey

Registration No. 27,434

(212) 758-4800 Telephone

(212) 751-6849 Facsimile

CORRESPONDENCE ADDRESS:
MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154-0053

REQUEST FOR REFUND

The June 30, 1999, Petition requesting withdrawal of the holding of abandonment, was inappropriately accompanied by a \$130 petition fee. Specifically, Section 711.03(c)II of the MPEP makes no explicit requirement for the payment of a petition fee for petitions requesting withdraw of the holding of abandonment based on the failure to receive an Office Action. As such, the \$130 petition fee was paid by actual mistake, or in excess, within the meaning of 37 CFR 1.26(a), since no petition was required. Accordingly, Petitioner requests, pursuant to 37 CFR 1.26(a), that the \$130 petition fee paid June 30, 2000, be refunded. Petitioner requests that the refund be made as a credit to Deposit Account 13-4500, Order No. 0720-4058 of \$130, Fee Code 122.

The Commissioner is hereby authorized to charge any fee which may be required, or credit any overpayment, as a result of the present Renewed Petition to Deposit Account 13-4500, Order No. 0729-4058. A duplicate of this Renewed Petition is attached.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

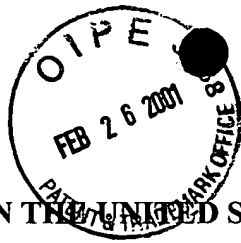
Dated: February 20, 2001

Mailing Address
MORGAN & FINNEGAN, L.L.P.
345 Park Ave
New York, New York 10154
(212) 751-4800
(212) 751-6849 (FAX)

By:


J. ROBERT DAILEY
Registration No. 27,434

US PATENT & TRADEMARK
OFFICE
FEB 20 2001
AM 11:03
REFUND BRANCH



Docket No. 0720-4058

#10/Ald
3-26-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): CARL H. MEYERHOEFER et al.

GROUP ART UNIT: 2747

SERIAL NO. : 08/993,271

EXAMINER: Clark S. Cheney

FILED : DECEMBER 18, 1997

FOR : NETWORK INTERFACE DEVICE FOR HIGH SPEED DATA LINES

Commissioner For Patents
Washington, D.C. 20231

**RENEWED PETITION REQUESTING WITHDRAWAL OF THE
HOLDING OF ABANDONMENT (MPEP 711.03(c) II) AND REQUEST FOR
REFUND OF PETITION FEE UNDER 37 CFR 1.26(a)**

Sir:

Petitioner hereby requests reconsideration of the "DECISION ON PETITION" mailed January 9, 2001, that denied Petitioner's original petition filed June 30, 2000, requesting withdrawal of the holding of abandonment based upon a failure to receive the Notice of Allowance purportedly mailed on November 22, 1999. Furthermore, Petitioner requests that the \$130 petition fee submitted with the June 30, 2000 Petition, be refunded pursuant to 37 CFR 1.26(a). The present Renewed Petition has been filed within two months from the January 9, 2001, Decision. No petition fee is believed to be required.

RENEWED PETITION (MPEP 711.03(c)II)

The Decision dated January 9, 2001, indicates that the June 30, 1999, Petition did not include a sufficient showing of nonreceipt of the Notice of Allowance within the requirements set forth in Section 711.03(c) of the Manual of Patent Examining Procedure (MPEP).

Specifically, the January 9, 2001, Decision states that “The petition does not include: (1) a statement *from the practitioner* stating that the Notice of Allowance was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Notice of Allowance was not received; and (2) a reference to the docket records in the practitioner’s statement.”

Petitioner believes that the statements made throughout the June 30, 1999, Petition, in combination with the Declaration of Shirley Hopkins and docket records (Exhibits B through E thereof), fully satisfy the showing requirement set forth in Section 711.03(c) II of the MPEP. In the interest of expediting further processing of the above-identified application, I, the undersigned petitioner and practitioner, hereby state that I did not receive the Notice of Allowance, purportedly mailed on November 22, 1999, and that a search of the file jacket and docket records indicates that the Notice of Allowance was not received. Pertinent copies of the docket records, where the nonreceived Notice of Allowance would have been entered had it been received, accompanied the original June 30, 2000, Petition as Exhibits C, D, and E. A Declaration of Shirley Hopkin’s, the firm’s Docket Manager, also accompanied the June 30, 2000, Petition as Exhibit B.

On the basis of the above statements, in combination with the statements and documentary evidence submitted with the original June 30, 2000, Petition, Petitioner requests that (1) the request for withdrawal of the holding of abandonment be reconsidered, (2) the June 12, 2000, Notice of Abandonment be withdrawn, (3) the Notice of Allowance be remailed, and (4) the time for paying the Issue Fee be restarted.

Date Processed:

3-2-01

2647

☐

ACH Payment

Attached Is The Most Current ACH Information

☐

Treasury Check

The Most Current ACH Information Was
Requested From This Customer With The Purpose Of
Processing His Refund Request By Electronic Fund
Transfer (EFT). No EFT Information Was Received.

Therefore, If Customer Is Due A Refund:

A Check Will Be Issued.

☒

Credit To Deposit Account

08/993271/HLC

This Request for Refund Will Be Processed By Crediting Deposit
Account Number 13-4500, If Customer Is Due A Refund.

ATTENTION ATTENTION ATTENTION